

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7616

BILL NUMBER: HB 1663

DATE PREPARED: Mar 31, 1999

BILL AMENDED: Mar 30, 1999

SUBJECT: Nurse Aide Registry.

FISCAL ANALYST: Ron Sobecki

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that after July 1, 1999 an ambulatory outpatient surgical center, home health agency, hospice program, or hospital may not hire a nurse aide convicted of a certain crime or who has committed an act that has been entered into the State Nurse Aide Registry. The bill allows the State Department of Health to impose a fine not to exceed \$5,000 for a violation of a provision of the health facilities law. It requires that if a health care facility has knowledge of a conviction against a health care facility employee that would indicate an unfitness to serve as a health care facility employee, the health care facility must report the information to the State Nurse Aide Registry or the appropriate licensing authority. It allows the State Department of Health to adopt rules.

Effective Date: July 1, 1999.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) After July 1, 1999, a nurse aide may not be hired by an ambulatory outpatient surgical center, home health agency, hospice program, or a hospital if the individual was convicted of certain crimes or has committed an act that has been entered into the State Nurse Aide Registry. This provision does not apply to individuals currently employed. If the person knowingly or intentionally applies for a job as a nurse aide or other unlicensed employee the person commits a Class A Infraction. If additional court cases occur, revenue to the state General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class A Infraction is \$10,000 which is deposited in the state General Fund. If court actions are filed and a judgment is entered, a court fee of \$70 would be assessed. 70% of the court fee would be deposited in the state General Fund if the case is filed in a court of record or 55% if the case is filed in a city or town court.

The bill allows the State Department of Health to impose a fine of not more than \$5,000 for a violation of the health facilities law. These fines would be deposited in the state General Fund.

Explanation of Local Expenditures:

Explanation of Local Revenues: If additional court actions are filed and a judgment is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$70 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund.(2) A \$3 fee would be assessed, and if collected would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed, and if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: State Department of Health.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: